

Executive Summary – Enforcement Matter – Case No. 51975
Orion Engineered Carbons LLC
RN100209386
Docket No. 2016-0324-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Orange Carbon Black Plant, 1513 Echo Road, Orange, Orange County

Type of Operation:

Carbon black plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainants have expressed an interest in this matter but do not wish to speak at Agenda.

Texas Register Publication Date: June 17, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,650

Amount Deferred for Expedited Settlement: \$3,330

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,320

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 51975
Orion Engineered Carbons LLC
RN100209386
Docket No. 2016-0324-AIR-E**

Investigation Information

Complaint Date(s): October 21, 2015 and December 21, 2015

Complaint Information: Alleged black soot from the plant lay throughout the neighborhood.

Date(s) of Investigation: October 22, 2015 through December 21, 2015

Date(s) of NOE(s): February 19, 2016

Violation Information

Failed to prevent nuisance conditions. Specifically, on October 22, 2015 and December 21, 2015, TCEQ staff obtained tape-lift samples from three different off-site properties and reference samples of carbon black from the Plant, and observed significant amounts of this substance at 18 off-site properties. The results of the analysis for the samples from the off-site properties and the observations of the substance at the 18 off-site properties matched the carbon black from the Plant, resulting in the alleged nuisance conditions [30 TEX. ADMIN. CODE 101.4 and TEX. HEALTH & SAFETY CODE 382.085(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures designed to prevent carbon black residue nuisance conditions; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 51975
Orion Engineered Carbons LLC
RN100209386
Docket No. 2016-0324-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Carol McGrath, Enforcement Division,
Enforcement Team 4, MC R-13, (210) 403-4063; Michael Parrish, Enforcement
Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Russell L. Webb, Vice President-Manufacturing, Engineering, &
Procurement-Americas, Orion Engineered Carbons LLC, 4501 Magnolia Cove Drive,
Suite 106, Kingwood, Texas 77345

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	29-Feb-2016	Screening	3-Mar-2016	EPA Due	
	PCW	10-May-2016				

RESPONDENT/FACILITY INFORMATION			
Respondent	Orion Engineered Carbons LLC		
Reg. Ent. Ref. No.	RN100209386		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	51975	No. of Violations	1
Docket No.	2016-0324-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Carol McGrath
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	11.0% Adjustment	Subtotals 2, 3, & 7	\$1,650
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Notes: Enhancement for two NOV's with same/similar violations and one NOV with dissimilar violations. Reduction for one Notice of Intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$590
Estimated Cost of Compliance: \$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$16,650
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,650
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,330
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,320
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Screening Date 3-Mar-2016

Docket No. 2016-0324-AIR-E

PCW

Respondent Orion Engineered Carbons LLC

Policy Revision 4 (April 2014)

Case ID No. 51975

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209386

Media [Statute] Air

Enf. Coordinator Carol McGrath

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 11%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations and one NOV with dissimilar violations.
Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 11%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 11%

Screening Date 3-Mar-2016

Docket No. 2016-0324-AIR-E

PCW

Respondent Orion Engineered Carbons LLC

Policy Revision 4 (April 2014)

Case ID No. 51975

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209386

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent nuisance conditions. Specifically, on October 22, 2015 and December 21, 2015, TCEQ staff obtained tape-lift samples from three different off-site properties and reference samples of carbon black from the Plant, and observed significant amounts of this substance at 18 off-site properties. The results of the analysis for the samples from the off-site properties and the observations of the substance at the 18 off-site properties matched the carbon black from the Plant, resulting in the alleged nuisance conditions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$15,000

Two single events are recommended, one for each day a nuisance condition was documented.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$590

Violation Final Penalty Total \$16,650

This violation Final Assessed Penalty (adjusted for limits) \$16,650

Economic Benefit Worksheet

Respondent Orion Engineered Carbons LLC
Case ID No. 51975
Reg. Ent. Reference No. RN100209386
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	22-Oct-2015	26-Dec-2016	1.18	\$590	n/a	\$590

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent carbon black residue nuisance conditions. The Date Required is the first date nuisance conditions were documented. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$590

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN604028647, RN100209386, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604028647, Orion Engineered Carbons LLC **Classification:** SATISFACTORY **Rating:** 0.46

Regulated Entity: RN100209386, ORANGE CARBON BLACK PLANT **Classification:** SATISFACTORY **Rating:** 0.92

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1513 ECHO RD, ORANGE, ORANGE COUNTY, TX 77632

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0020R

WASTEWATER PERMIT WQ0000814000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

1810131

AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0020R

AIR NEW SOURCE PERMITS AFS NUM 4836100008

AIR NEW SOURCE PERMITS REGISTRATION 112585

AIR OPERATING PERMITS PERMIT 1660

WASTEWATER EPA ID TX0007544

AIR NEW SOURCE PERMITS PERMIT 9403B

AIR NEW SOURCE PERMITS REGISTRATION 55014

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX627M2

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
OC0020R

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 02, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 02, 2011 to March 02, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Carol McGrath

Phone: (210) 403-4063

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees: N/A

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 04, 2011	(916387)
Item 2	April 05, 2011	(924903)
Item 3	May 06, 2011	(938073)
Item 4	May 31, 2011	(914410)
Item 5	June 06, 2011	(945445)
Item 6	July 05, 2011	(952670)
Item 7	August 12, 2011	(959356)
Item 8	September 12, 2011	(965388)
Item 9	October 06, 2011	(971427)

Item 10	November 07, 2011	(977584)
Item 11	December 02, 2011	(984354)
Item 12	January 04, 2012	(990650)
Item 13	February 10, 2012	(998014)
Item 14	March 05, 2012	(1003540)
Item 15	May 04, 2012	(1016496)
Item 16	June 08, 2012	(1024219)
Item 17	July 06, 2012	(1031611)
Item 18	August 07, 2012	(1037988)
Item 19	September 12, 2012	(1046725)
Item 20	October 04, 2012	(1061034)
Item 21	November 05, 2012	(1061035)
Item 22	December 03, 2012	(1061036)
Item 23	January 03, 2013	(1079062)
Item 24	February 04, 2013	(1079061)
Item 25	March 06, 2013	(1089355)
Item 26	April 01, 2013	(1095748)
Item 27	May 06, 2013	(1106673)
Item 28	June 03, 2013	(1086912)
Item 29	July 01, 2013	(1117233)
Item 30	August 05, 2013	(1124988)
Item 31	September 06, 2013	(1129587)
Item 32	October 01, 2013	(1135319)
Item 33	November 01, 2013	(1140717)
Item 34	December 17, 2013	(1147176)
Item 35	January 02, 2014	(1153245)
Item 36	February 05, 2014	(1160580)
Item 37	March 18, 2014	(1167225)
Item 38	April 01, 2014	(1174358)
Item 39	May 15, 2014	(1180546)
Item 40	June 18, 2014	(1187444)
Item 41	July 10, 2014	(1198637)
Item 42	July 21, 2014	(1173613)
Item 43	August 06, 2014	(1198638)
Item 44	September 05, 2014	(1205849)
Item 45	October 06, 2014	(1212261)
Item 46	October 16, 2014	(1186673)
Item 47	December 12, 2014	(1218513)
Item 48	March 16, 2015	(1248659)
Item 49	March 23, 2015	(1239222)
Item 50	April 16, 2015	(1255559)
Item 51	May 06, 2015	(1248049)
Item 52	May 18, 2015	(1262269)
Item 53	July 02, 2015	(1269438)
Item 54	August 11, 2015	(1290300)
Item 55	September 02, 2015	(1283161)
Item 56	October 13, 2015	(1296503)
Item 57	November 16, 2015	(1301956)
Item 58	December 02, 2015	(1308884)
Item 59	January 12, 2016	(1301323)
Item 60	January 27, 2016	(1305675)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/09/2015 (1241292) CN604028647
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to submit a semiannual deviation report for the period of July 21, 2014, through January 20, 2015, within 30 days of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Condition 13 OP

Description: Failure to submit an annual permit compliance certification (ACC) report within 30 days of the certification period.

2 Date: 07/29/2015 (1224014) CN604028647
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
PSDTX627M2, General Condition 10 PERMIT
Special Condition 10 OP
Description: Failure to prevent nuisance conditions.

3 Date: 10/01/2015 (1276626) CN604028647
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
General Terms and Conditions OP
Special Condition 10 OP
Description: Failure to prevent nuisance conditions.

F. Environmental audits:

Notice of Intent Date: 09/17/2014 (1197595)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ORION ENGINEERED CARBONS
LLC
RN100209386**

§
§
§
§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2016-0324-AIR-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Orion Engineered Carbons LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a carbon black plant located at 1513 Echo Road in Orange, Orange County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$16,650 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$13,320 of the penalty and \$3,330 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted from October 22, 2015 through December 21, 2015, TCEQ staff alleged that the Respondent failed to prevent nuisance conditions, in violation of 30 Tex. Admin. Code 101.4 and Tex. Health & Safety Code 382.085(a) and (b). Specifically, on October 22, 2015 and December 21, 2015, TCEQ staff obtained tape-lift samples from three different off-site properties and reference samples of carbon black from the Plant, and observed significant amounts of this substance at 18 off-site properties. The results of the analysis for the samples from the off-site properties and the observations of the substance at the 18 off-site properties matched the carbon black from the Plant, resulting in the alleged nuisance conditions.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Orion Engineered Carbons LLC, Docket No. 2016-0324-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures designed to prevent carbon black residue nuisance conditions; and
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of

this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ramona Moore
For the Executive Director

8/8/16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Russell L. Webb
Signature

5/23/16
Date

Russell L. Webb
Name (Printed or typed)
Authorized Representative of
Orion Engineered Carbons LLC

vice-President - Mfg, Eng, & Procurement
Title
- Americas

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

If mailing address has changed, please check this box and provide the new address below: